

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TELLER, an individual,

Plaintiff,

vs.

GERARD DOGGE (p/k/a GERARD BAKARDY),
an individual,

Defendant.

Case No. 2:12-cv-00591-JCM-GWF

ORDER

Motion for Mirror Imaging
Procedure (#139)

This matter comes before the Court on Plaintiff's Motion for Mirror Imaging Procedure (#139), filed on August 1, 2013. Plaintiff filed a Motion to Enforce Court's Order and to Compel (#116) on July 2, 2013. In its Order on the Motion (#116), the Court gave Defendant until August 9, 2013 to produce certain material. *See July 26, 2013 Order, Doc. #135* at 2:16-18. In the event the material is not timely produced, the Court further ordered Defendant to make his computer hard drive available to Plaintiff for mirror imaging on August 9, 2013. *Id.* at 2:19-21. The Court stated that, on a motion by Plaintiff, it shall set forth the manner in which the mirror image will be created and searched. *Id.* at 2:22-27. Plaintiff subsequently filed the instant Motion detailing the proposed procedure for the taking and searching of the mirror image.

IT IS HEREBY ORDERED that Plaintiff's Motion for Mirror Imaging Procedure (#139) is **granted**.

IT IS FURTHER ORDERED that, in the event Defendant does not timely produce the material and mirror imaging is required pursuant to this Court's Order (#135), the following procedure shall apply:

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- (1) The mirror imaging and search of Defendant's computer hard drive shall be conducted by i-Force cvba ("I-Force"), located at Vijfhuizen 6, 9240 Erpe-Mere, Belgium.
- (2) On August 9, 2013, Defendant shall appear and produce his laptop computer at the offices of i-Force at the address listed above.
- (3) i-Force will create a mirror image of the hard drive and return the computer to Defendant promptly thereafter. Defendant may be present during the mirror imaging process, but may not interfere with the imaging process.
- (4) i-Force will search the mirror image only for video recordings and written text relating to the Subject Videos, Manual, and DVD as described in this Court's Order (#135). i-Force will ensure the search is limited by using specific criteria such as keywords, file type, and dates relating to the illusion at issue in this litigation.
- (5) If i-Force recovers the Subject Videos, the recordings and written text made for the Videos, DVD, and manual, or any drafts, outlines, or iterations thereof, i-Force will produce only these items to Plaintiff's Counsel. Plaintiff's Counsel will in turn produce copies of any recovered items to Defendant within 14 days of receipt from i-Force.
- (6) If i-Force cannot recover any or all of the subject items, it may examine the mirror image for evidence of the dates when the documents or files were deleted, removed, or destroyed. i-Force shall provide any such information to Plaintiff's Counsel in a sworn declaration, which Plaintiff will in turn produce to Defendant within 14 days of receipt from i-Force.
- (7) i-Force shall hold the mirror image under security at its offices while performing the search for the subject items. Once it has completed analysis, i-Force shall deliver the mirror image to Plaintiff's Counsel under seal, who shall deliver the same under seal to the Court.


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1 (8) Neither i-Force nor Plaintiff nor Plaintiff's Counsel shall make or retain a copy of
2 the mirror image.

3 **IT IS FURTHER ORDERED** that Plaintiff shall send a copy of this Order to Defendant
4 via electronic mail within one day of the date of this Order.

5 DATED this 5th day of August, 2013.

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8 GEORGE FOLEY, JR.
9 United States Magistrate Judge
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